

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
SW/S Rosedale Avenue, 220' SW
of Elmhurst Avenue
(823-A Rosedale Avenue)
15th Election District
7th Councilmanic District
Larry D. McLaurin, Jr., et ux
Petitioners
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-44-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request an administrative variance to permit a proposed accessory structure (garage) to be larger in area than the principal structure (dwelling) on a residential lot in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or struc-

tures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number,

movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of November, 1990 that the Petition for Residential Variance to permit a proposed accessory structure (garage) to be larger in area than the principal structure (dwelling) on a residential lot, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement

ment Division to make an inspection of the subject property to insure compliance with this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated September 26, 1990, attached hereto and made a part hereof.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

ORDER RECEIVED FOR FILING

Date 11/28/90
By SPB

ORDER RECEIVED FOR FILING

Date 11/28/90
By SPB

ORDER RECEIVED FOR FILING

Date 11/28/90
By SPB

ORDER RECEIVED FOR FILING

Date 11/28/90
By SPB

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 101 (B.C.Z.R.) To permit an accessory structure (garage) to be larger in area than the principal structure (an existing dwelling) on a residential lot.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s) (indicate hardship or practical difficulty): OUR HOUSE IS SMALL AND I NEED MORE SPACE

SEE ATTACHED

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

LARRY D. McLAURIN JR.

(Type or Print Name)

Signature

DONNA K. McLAURIN

(Type or Print Name)

Signature

823A-ROSEDALE AVE

Address

BALTO, MD. 21237

City/State/Zip Code

Home, address and phone number of legal owner, contract purchaser or representative to be contacted.

Home

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 24th day of July, 1990, that the subject matter of this petition be posted on the property on or before the _____ day of _____, 19____.

JOB B. RICH
ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reported, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 102, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock, _____.

ORDER RECEIVED FOR FILING

Date 11/28/90

By SPB

ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at 823A-ROSEDALE AVE, BALTO, MD. 21237 (Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty) SEE ATTACHED

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

LARRY D. McLAURIN JR. DONNA K. McLAURIN
AFFIANT (Handwritten Signature) AFFIANT (Handwritten Signature)
LARRY D. McLAURIN JR. DONNA K. McLAURIN
AFFIANT (Printed Name) AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23rd day of July, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Larry D. McLaurin Jr. & Donna K. McLaurin the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

7-23-90
DATE

Spencer L. Spayfield
NOTARY PUBLIC
My Commission Expires: 8-1-93

ZONING VARIANCE DESCRIPTION (REVISED) 9/19/90

BEGINNING AT A POINT ON THE SOUTHWEST SIDE OF
ROSEDALE AVE. AT A DISTANCE OF 511 FT. NORTH OF
BRIDGE AVE. BEING LOT 11 IN THE SUBDIVISION OF ROSEDALE
TERRACE, PLAT BOOK 3 FOLIO 90 ALSO KNOWN AS 823-A
ROSEDALE AVE. CONTAINING .53 AC. IN THE 15TH ELECTION DIST.

CITY OF BALTIMORE

EXHIBIT "A"

OLD
SEE REVISED DESC.
9/19/90

BEGINNING for the same on the Southwest side of Rosedale Avenue 220' SE of ELMHURST at the Easternmost corner of Lot No. 13 as shown on Plat of Plan "C" Rosedale Terraces, hereinafter referred to, running thence Southeasterly along the Southwest side of Rosedale Avenue, one hundred feet, to Lot No. 10; thence Southwesterly along Lot No. 10, four hundred and thirty-five feet, to the waters of Back River; thence Northwesterly along the waters of Back River, one hundred feet, more or less, to Lot No. 13; thence Northeasterly along Lot No. 13, four hundred and thirty-five feet, to the point of beginning. Being lots Nos. 11 and 12 on Plan "C" of Rosedale Terraces laid out by the Cityco Realty Company of Baltimore City and recorded in Plat Book W.P.C., No. 3, folio 90, among the Land Records of Baltimore County. ALSO KNOWN AS 823-A ROSEDALE AVE. IN THE 15TH ELECTION DISTRICT (1.52 ACRES MORE OR LESS)

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: No 3050
3007

Item #33

Date: 7/24/90

MS100055

RECEIPT

PAID PER HAND-WRITTEN
RECEIPT DATED 7/24/90

Public Hearing Fees: QTY PRICE
POSTING SIGNS / ADVERTISING 1 X \$25.00
TOTAL: \$25.00

LAST NAME OF OWNER: MCLAURIN JR

Please make checks payable to: Baltimore County

Cashier Validation: MICROFILMED

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: No 3007
3050

Date: 7/24/90

RECEIPT

SIGN POSTING FEE \$25.00 DUE
FOR ITEM # 33
MCLAURIN JR.

04404#0071MICHRC \$25.00
BA C009:31AHD7-24-90

Please make checks payable to: Baltimore County

Cashier Validation: MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 1, 1990

Mr. & Mrs. Larry D. McLaurin, Jr.
823-A Rosedale Avenue
Baltimore, Maryland 21237

Re: CASE NUMBER: 91-44-A
ITEM NUMBER: 11
LOCATION: SW/S Rosedale Avenue, 220' SW Elmhurst Avenue
823-A Rosedale Avenue

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a referee regarding the administrative process.

1) Your property will be posted on or before August 15, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is August 30, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commission must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,
Dennis F. Rasmussen
County Executive

RECEIVED
AUG 20 1990
ZONING OFFICE

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: No 3447

Date: 7/24/90

RECEIPT

RECEIVED PUBLIC HEARING FEES: QTY PRICE
POSTING SIGNS / ADVERTISING 1 X \$25.00
TOTAL: \$25.00

LAST NAME OF OWNER: MCLAURIN JR

RECEIVED PLANS + DESCRIPTIONS.

04404#0130MICHRC \$35.00
BA C009:141PM09-19-90

Please make checks payable to: Baltimore County

Cashier Validation: MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 1, 1990

Mr. & Mrs. Larry D. McLaurin, Jr.
823-A Rosedale Avenue
Baltimore, Maryland 21237

Re: CASE NUMBER: 91-44-A
ITEM NUMBER: 11
LOCATION: SW/S Rosedale Avenue, 220' SW Elmhurst Avenue
823-A Rosedale Avenue

Dear Petitioner(s):

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Very truly yours,
Dennis F. Rasmussen
County Executive

RECEIVED
AUG 20 1990
ZONING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 27, 1990

Mr. & Mrs. Larry D. McLaurin, Jr.
823-A Rosedale Avenue
Baltimore, MD 21237

RE: Item No. 33, Case No. 91-44-A
Petitioner: Larry D. McLaurin, et ux
Petition for Residential Variance

Dear Mr. & Mrs. McLaurin:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

RECEIVED
AUG 20 1990
ZONING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 10, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 30, 31, 33, 34, 35, 36, 37, and 38.

Very truly yours,
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw
AUG 20 1990
ZONING OFFICE

Received By: J. Robert Haines
Zoning Commissioner

Chairman,
Zoning Plans Advisory Committee

Petitioner: Larry D. McLaurin, et ux
Petitioner's Attorney:

RECEIVED
AUG 20 1990
ZONING OFFICE

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 406
Towson, Maryland 21204
(301) 887-3554

August 10, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 30, 31, 33, 34, 35, 36, 37, and 38.

Very truly yours,
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw
AUG 20 1990
ZONING OFFICE

Received By: J. Robert Haines
Zoning Commissioner

Chairman,
Zoning Plans Advisory Committee

Petitioner: Larry D. McLaurin, et ux
Petitioner's Attorney:

RECEIVED
AUG 20 1990
ZONING OFFICE

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

August 9, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: LARRY D. MCLAURIN, JR.
Location: 823-A ROSEDALE AVENUE
Item No.: *33 Zoning Agenda: AUGUST 14, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. Jack Kelly, et al. Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

RECEIVED
AUG 20 1990
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
AUGUST 13, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 33
PROPERTY OWNER: Larry D. McLaurin, Jr., et ux CRITICAL
LOCATION: SW/S Rosedale Avenue, 220' SW Elmhurst Ave.
(823-A Rosedale Avenue)
ELECTION DISTRICT: 15th
COUNCILMANIC DISTRICT: 7th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () RAMPS (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

(X) OTHER - NO OTHER COMMENT AT THIS TIME.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN



S. ERIC DINENNA
ZONING COMMISSIONER

October 21, 1975

Mr. & Mrs. William M. Ross
823 Rosedale Avenue
Baltimore, Maryland 21237

RE: Petition for Variances
SW/S of Rosedale Avenue, 511' NW of
Bridge Avenue - 15th Election District
William M. Ross, et ux - Petitioners
NO. 76-83-A (Item No. 44)

Dear Mr. & Mrs. Ross:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

S. ERIC DINENNA
Zoning Commissioner

SED/mc

Attachments

cc: John W. Hessian, III, Esquire
People's Counsel

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: August 9, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for August 14, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 30, 31, 33, 34, 35, 36, 37, 38.

Robert W. Bowling, P.E.
Developers Engineering Division

RWB:s

PETITION FOR ZONING VARIANCE
FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, William M. Ross, legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.3C.1 to permit lot widths of fifty (50) feet in lieu of the required fifty-five (55) feet for lots #11 & 12 and side yard setbacks of seven (7) feet in lieu of the required ten (10) feet for the proposed dwelling on lot # 11. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

The lot was originally zoned as a fifty foot lot and it is impossible to change. We wish to build a house on this fifty foot lot and that is why we are requesting this zoning.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract purchaser: William M. Ross
Legal Owner: Mary D. Ross
Address: 823 Rosedale Ave
Baltimore Md. 21237
Petitioner's Attorney: _____
Protestant's Attorney: _____

SP 17 ORDERED By The Zoning Commissioner of Baltimore County, this 17th day

September 1975, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 20th day of October 1975 at 10:00 o'clock.

S. Eric Dinenna
Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner
FROM: Mr. Robert W. Sheesley
SUBJECT: Petition for Zoning Variance - Item 33
McLaurin Property
Chesapeake Bay Critical Area Findings

DATE: September 26, 1990

SITE LOCATION

The subject property is located at 823-A Rosedale Avenue. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Larry McLaurin Jr.

APPLICANT PROPOSAL

The applicant has requested a variance from section 101 of the Baltimore County Zoning Regulations to permit an accessory structure to be larger in area than the principle structure on a residential lot.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01>

Memo to Mr. J. Robert Haines
September 26, 1990
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-216(a)>.

Finding: The proposed garage is located 169 feet from the tidal waters of Back River. The 100 foot buffer is presently forested and shall not be disturbed.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code Sec. 22-98>

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

3. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: This proposed garage is over an existing carport. No increase in impervious surface is proposed and the sum of all impervious surfaces shall not exceed 15% of the lot.

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15% <COMAR 14.15.02.04 C.(5)>.

Finding: The site presently contains forest cover of at least 15% of the site. No trees shall be removed for the construction of the proposed garage.

5. Regulation: "The stormwater management system shall be designed so that:

- (1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;
- (2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and
- (3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.

Memo to Mr. J. Robert Haines
September 26, 1990
Page 3

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" <Baltimore County Code, Section 22-217(h)>.

Findings: The applicant proposes to install Dutch drains at the bottom of their rainpouts. This will encourage maximum infiltration of stormwater to comply with the above regulation. The applicant shall install these infiltration devices in order to eliminate runoff caused by the development.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:DCF:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman W. Lauenstein
The Honorable Dale T. Volz
Mrs. Janice B. Outen

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: September 25, 1990

To: Julie

From: Gwen

Subject: Case #91-44-A; Item #33

The above matter has been revised per additions requested by Deputy Commissioner Nastarowicz.

Additional comments are forthcoming. Upon receipt of same, Ann asks that you deliver the file directly to her.

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 823 A Rosedale Ave

Subdivision name: Rosedale Annex

plat books: folio 100 section 2

OWNER: Larry McLaurin

APPLICANT ATTESTS THAT
NEIGHBORHOOD HAS FIRST
ORIENTATION TO ROSEDALE AVE.

I AM REQUESTING FOR THE
VARIANCE OF THE VARIANCE
ON THE PLAN AND DESCRIPTION
FOR THIS VARIANCE. APPROVED
AS REVISED BY BATS: C

9/19/90

50' LOT WIDTH AND 5' SIDE
YARD VARIANCE GRANTED
10/2/175

DWG 624 p 245 x 25.5

Proposed Garage 728 p 25 x 25'

91-44-A

REVISED PLAN
9/19/90

Scale of Drawing: 1" = 60'

North

date: prepared by:

see pages 5 & 6 of the CHECKLIST for additional required information

RT 40

CHESAPEAKE AVE

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[illegible]

SCALE	LOCATION	SHEET
1" = 200' ±		
DATE OF PHOTOGRAPHY JANUARY 1986	CHESACO PARK	N. E. 2-F